

REMARKS

The Office Action dated October 19, 2009 has been received and reviewed. This response, submitted along with a Request for Continued Examination and a Petition for a Three-Month Extension of Time, is directed to that action.

Claims 1, 2, 13 and 14 have been amended, claim 28 is new and claim 15 has been cancelled. Support for the claims amendments can be found throughout the specification, and in claim 15 as originally filed. Support for new claim 28 can be found in paragraph [0026] of the corresponding published US application, 2005/0245418 A1. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-16, 19-23 and 25-27 under 35 U.S.C. §103(a) as obvious over Lykke et al. (US 6,242,405); and claims 17, 18 and 24 as obvious over Lykke in view of Gutierrez et al. (US 5,739,093). The applicants respectfully traverse these rejections.

The Examiner stated that while Lykke failed to teach the migration speed of the particles, viscosity or density of the composition, salt content of the non-aqueous component, ratio of enzyme present in gel and the enzyme present in the particles, the percentage of starch and the difference in density of the gel and the particles, it would have been obvious to one of skill in the art to optimize the concentrations of the components to arrive at the claimed composition.

The applicants respectfully disagree that Lykke would have optimized these parameters, because some of these parameters, including the viscosity, density and salt content are directly related to the phase of the detergent composition, which in the present case is a gel, but, is simply a liquid in Lykke.

The applicants submit that a skilled artisan would not have been motivated to modify a the liquid detergent of Lykke to achieve the viscosity, density, salt content, or water-content to achieve the presently claimed invention because Lykke would then be materially changed and therefore there would have been no expectation that the encapsulated enzyme particles would be have the same stability or produce the desired effect. However, the applicants have shown that the encapsulated enzymes maintain their stability even in a gel composition. This result could not have been expected from the disclosure of a liquid detergent of Lykke.

Moreover, with respect to the embodiment of present claim 28, the present invention contains, in the composition, between about 35-65% water. Contrarily, Lykke teaches that the water-content is *less than* 30%, and in certain cases, even less than 10%. (See Lykke, col. 30, lines 13-18). A skilled artisan would not have been motivated to prepare a composition comprising a water content of 35-65% after reading Lykke, because Lykke suggests much lower concentrations, and could even be said to teach away from higher concentrations.

With respect to the rejections of claims 17, 18 and 24 as obvious over Lykke in view of Gutierrez, the applicants respectfully submit that Gutierrez does not remedy the deficiencies of Lykke, discussed hereinabove.

Based on the foregoing remarks, the applicants submit that a *prima facie* case of obviousness cannot be established. Accordingly, the applicants respectfully request that the Examiner withdraw these rejections.

The applicants believe the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefore. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By /Mark D. Marin/

Mark D. Marin
Attorney for Applicants
Reg. No. 50,842
875 Third Avenue, 8th Floor
New York, New York 10022
Tel. 212-808-0700